

Indiana Pro Bono Commission
One Indiana Square, Suite 530
Indianapolis, IN 46204

Indiana Bar Foundation
230 East Ohio Street, Suite 200
Indianapolis, IN 46204

**COMBINED 2004 DISTRICT REPORT, 2006 PRO BONO GRANT
APPLICATION, AND 2006 PLAN**

Pro Bono District 9

Applicant: District 9 Pro Bono Commission

Mailing Address: P.O. Box 94

City: Richmond, IN Zip: 47375

Phone: 765-935-5053 Fax: 765-973-9250

E-mail address: tshenry1960@verizon.net Website address: N/A

Judicial Appointee: Honorable Judge Barbara Arnold Harcourt

Plan Administrator: Tammy Henry

Names of Counties served: Fayette, Franklin, Rush, Union and Wayne

**Percentage of volunteer attorneys (as defined on page 6) *who accepted a pro bono case in 2004* per registered attorneys in district, i.e. the district's pro bono participation rate 32%
To the extent the pro bono participation rate information is available by county, please provide below.**

Amount of grant received for 2005: \$17000.00

Amount of grant (2004 & prior years) projected to be unused as of 12/31/05: \$2500.00

Amount requested for 2006: \$18000.00

The following representations, made to the best of our knowledge and belief, are being provided to the Indiana Pro Bono Commission and Indiana Bar Foundation in anticipation of their review and evaluation of our funding request and our commitment and value to our Pro Bono District.

Operation under Rule 6.6

In submitting this application for funding, this district is representing itself as having a Pro Bono Plan, which is pursuant to **Rule 6.6** of the Indiana Rules of Professional Conduct. The plan enables attorneys in our district to discharge their professional responsibilities to provide civil legal pro bono services; improves the overall delivery of civil legal services to persons of limited means by facilitating the integration and coordination of services provided by pro bono organizations and other legal assistance organizations in our district; and ensures access to high quality and timely pro bono civil legal services for persons of limited means by (1) fostering the development of new civil legal pro bono programs where needed and (2) supporting and improving the quality of existing civil legal pro bono programs. The plan also fosters the growth of a public service culture within the district which values civil legal pro bono publico service and promotes the ongoing development of financial and other resources for civil legal pro bono organizations.

We have adhered to **Rule 6.6** (f) by having a district pro bono committee composed of:

- A. the judge designated by the Supreme Court to preside;
- B. to the extent feasible, one or more representatives from each voluntary bar association in the district, one representative from each pro bono and legal assistance provider in the district, and one representative from each law school in the district; and
- C. at least two (2) community-at-large representatives, one of whom shall be a present or past recipient of pro bono publico legal services.

We have determined the governance of our district pro bono committee as well as the terms of service of our members. Replacement and succession members are appointed by the judge designated by the Supreme Court.

Pursuant to **Rule 6.6** (g) to ensure an active and effective district pro bono program, we:

- A. prepare in written form, on an annual basis, a district pro bono plan, including any county sub-plans if appropriate, after evaluating the needs of the district and making a determination of presently available pro bono services;
- B. select and employ a plan administrator to provide the necessary coordination and administrative support for the district pro bono committee;
- C. implement the district pro bono plan and monitor its results; and
- D. submit an annual report to the Commission.

Commitment to Pro Bono Program Excellence

We also understand that ultimately the measure of success for a civil legal services program, whether a staffed or volunteer attorney program, is the outcomes achieved for clients, and the relationship of these outcomes to clients' most critical legal needs. We agree to strive for the following hallmarks which are characteristics enhancing a pro bono program's ability to succeed in providing effective services addressing clients' critical needs.

1. Participation by the local bar associations and attorneys. The associations and attorneys believe the program is necessary and beneficial.

2. Centrality of client needs. The mission of the program is to provide high quality free civil legal services to low-income persons through volunteer attorneys. Client needs drive the program, balanced by the nature and quantity of resources available.

3. Program priorities. The program engages in a priority-setting process, which determines what types of problems the program will address. Resources are allocated to matters of greatest impact on the client and are susceptible to civil legal resolution. The program calls on civil legal providers and other programs serving low-income people to assist in this process.

4. Direct representation component. The core of the program is direct representation in which volunteer attorneys engage in advocacy on behalf of low-income persons. Adjunct programs such as advice clinics, pro se clinics and paralegal assistance are dictated by client needs and support the core program.

5. Coordination with state and local civil legal providers and bar associations. The programs work cooperatively with the local civil legal providers. The partnerships between the civil legal providers and the local bar association results in a variety of benefits including sharing of expertise, coordination of services, and creative solutions to problems faced by the client community.

6. Accountability. The program has mechanisms for evaluating the quality of service it provides. It expects and obtains reporting from participating attorneys concerning the progress/outcome of referred cases. It has the capability to demonstrate compliance with requirements imposed by its funding source(s), and it has a grievance procedure for the internal resolution of disputes between attorneys and clients.

7. Continuity. The program has a form of governance, which ensures the program will survive changes in bar leadership, and has operational guidelines, which enable the program to survive a change in staff.

8. Cost-effectiveness. The program maximizes the level of high quality civil legal services it provides in relationship to the total amount of funding received.

9. Minimization of barriers. The program addresses in a deliberate manner linguistic, sensory, physical and cultural barriers to clients' ability to receive services from the program. The program does not create undue administrative barriers to client access.

10. Understanding of ethical considerations. The program operates in a way which is consistent with the Rules of Professional Conduct; client confidentiality is assured and conflicts of interest are avoided. The staff and volunteers are respectful of clients and sensitive to their needs.

11. ABA Standards. The program is designed to be as consistent with the ABA Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means as possible.

No events, shortages or irregularities have occurred and no facts have been discovered which would make the financial statements provided to you materially inaccurate or misleading. To our knowledge there is nothing reflecting unfavorably upon the honesty or integrity of members of our organization. We have accounted for all known or anticipated operating revenue and expense in preparing our funding request.

We agree to provide human-interest stories promoting Pro Bono activities in a timely manner upon request of the Indiana Bar Foundation or Indiana Pro Bono Commission. We further agree to make ourselves available to meet with the Pro Bono Commission and/or the Indiana Bar Foundation to answer any questions or provide any material requested which serves as verification/source documentation for the submitted information.

Explanation of items stricken from the above Letter of Representation:

It is understood that this Letter does not replace the Grant Agreement or other documents required by the Indiana Bar Foundation or Indiana Pro Bono Commission.

Signatures:

Judicial Appointee Signature

Date

Plan Administrator Signature

Date

2006 PLAN SUMMARY

1. Please write a brief summary of the 2006 grant request. Please include information regarding your district's planned activities including committee meetings, training, attorney recognition, newspaper or magazine articles, marketing and promotion. The grant request should cover needs to be addressed, methods, target audience, anticipated outcomes, and how past difficulties will be addressed.

The District 9 Pro Bono Committee will continue to have scheduled committee meetings on a quarterly basis. When CLE and other trainings are scheduled, meetings will be scheduled accordingly to help prepare for these special events.

It is the goal of the Committee to hold bi-annual attorney recognition events to recognize those volunteer attorneys that have taken pro bono cases during the calendar year. The selections will be done by Committee members with input from the district Judges as well as closure statements from clients. The attorney recognition is still in the planning stage and will be addressed at future Committee meetings.

In an effort to continue its mission and promote Commission services, the Committee will utilize local newspapers and other media outlets. There is a need for an informational flyer with updated information regarding qualification for assistance as well as explanations of what is provided by the Pro Bono Commission. We would place these flyers in all five county courthouses as well as other community organizations that refer potential clients.

The Committee has discussed having Fayette, Franklin, Rush and Union Counties utilize the DOXPOP services that are currently used by Wayne County. The Plan Administrator's access to DOXPOP is a vital tool in obtaining better information to share with potential volunteer attorneys.

Cooperation of clients with their volunteer attorney is being addressed by the Committee. In the past attorneys representing non-cooperative clients have voiced their concerns to the Plan Administrator. In an effort to deal with this issue, the Committee has proposed using pamphlets to better describe the client's role with their volunteer attorney. The client is also asked to sign a "retainer" outlining what is expected of the client and also explaining that an attorney may withdraw from the case if the client is not cooperating. The Committee anticipates sending an evaluation form to clients upon the conclusion of their case to examine strengths and weaknesses from the client's perspective.

The Committee continues to deal with the issue of declining participation with volunteer attorneys in pro bono cases. Continuing to offer CLE seminars has been the standard way of increasing the number of attorneys participating. The Committee has also discussed partnering with Earlham College's Pre-Law students with the hopes of bringing in students through either a volunteer or internship program. These students could then be utilized by assisting volunteer attorneys with either pro bono casework or Program outreach and intake in other counties. It is hopeful that in addition to this program as well as attorney recognitions and other marketing tools, the participation will remain steady or increase.

A newly formed Pro Bono Program has been developed in Richmond, Indiana in honor of Attorney Robert J. Maley who recently passed away. Mr. Maley was known for his pro bono work, especially with the Hispanic population in the area. With his death a foundation was created and it is the hope of the Committee to partner with this new program in the future to further fill the legal needs of a more diverse clientele than is already served at this time.

2004 REPORT OF VOLUNTEER ATTORNEY CASES IN DISTRICT 9

Please attach additional pages for each pro bono provider that receives IOLTA funding, whether directly or indirectly, in your district. See the sample additional pro bono provider page 6A. Please list each attorney only once in the volunteer attorney column but complete one line for each pro bono case for that attorney.

Definitions:

Case: A legal matter referred to and accepted by a pro bono attorney volunteer. This includes mediation and GAL services.

Volunteer Attorney: An attorney who has rendered pro bono service to at least one low-income client during the year or accepted a pro bono referral from the identified program. This does not include attorneys who are on the list of pro bono volunteers but who have never taken a case. The case numbers do not include cases screened, only cases actually referred to a pro bono attorney.

Case Type: Please use the abbreviations listed in Indiana Supreme Court Administrative Rule 8(B)(3) or any other defined abbreviation.

Name of Pro Bono Provider (includes legal service provider, court, plan administrator, bar association, and other organizations): _____

IOLTA funding accounts for 100 % of total pro bono provider budget. Please state the percentage of volunteers and cases which are attributable to IOLTA funding 100 %.
If this percentage is substantially more than the percentage of IOLTA funding, please explain.

| Volunteer Attorney Name | County | Year Case Accepted | Year Case Closed | Number of Hours | Case Type |
|--|-----------|--|------------------|--------------------------------------|--------------|
| Robert Delaney | Wayne | 2004 | 2004 | 15 | Guardianship |
| Brenda Wilhelm-Waggoner | Fayette | 2004 | 2004 | 10 | Divorce |
| Amy Noe | Wayne | 2004 | 2004 | 2.5 | Divorce |
| Amy Noe | Wayne | 2004 | 2004 | 10 | Divorce |
| Staci Terry | Wayne | 2004 | 2004 | 3 | Divorce |
| Stephen Hunyadi | Wayne | 2004 | 2004 | 6 | Divorce |
| " | Wayne | 2004 | 2004 | 5 | Divorce |
| Mary Lebedowicz | Fayette | 2004 | 2004 | 18 | Divorce |
| Katharine Guenther | Franklin | 2004 | 2004 | 3 | Divorce |
| Kevin Ault | Franklin | 2004 | 2004 | 1 | Divorce |
| William B. Keaton | Rush | 2004 | 2004 | 4 | Divorce |
| Donald Simkin | Wayne | 2004 | 2004 | 1 | Divorce |
| " | Wayne | 2004 | 2004 | 8 | Divorce |
| Adam Forest | Wayne | 2004 | 2004 | 6 | Guardianship |
| Michael A. Douglass | Fayette | 2004 | 2004 | 10 | Adoption |
| | | | | | |
| TOTAL: | 11 | TOTAL: 15 | | TOTAL: | 103.5 |
| Overall total number of volunteer attorneys: | | Overall total number of cases accepted or pending: | | Overall total hours on closed cases: | |

2004 REPORT OF VOLUNTEER ATTORNEY LIMITED INFORMATION ACTIVITY IN DISTRICT 9

This limited legal information chart can include activities such as pro se clinics and call-in or walk-in informational services.

Please attach additional pages for each pro bono provider that receives IOLTA funding, whether directly or indirectly, in your district. See the sample additional pro bono provider page 7A.

Please list each attorney only once in the volunteer attorney column but complete one line for each type of legal information activity for that attorney.

Name of Pro Bono Provider (includes legal service provider, court, plan administrator, bar association, and other organizations): _____

| Volunteer Attorney Name | County | Type of Activity | Number of Hours |
|--|--------------|----------------------------------|-----------------------------|
| Staci Terry | Wayne | Service on Pro Se Divorce | 1 |
| “ | Wayne | Child Supp Mod ref to TX | 1 |
| “ | Wayne | Pro Se Divorce | 1 |
| “ | Wayne | Service on Pro Se Divorce | 1 |
| “ | Wayne | Pro Se Divorce | 1 |
| “ | Wayne | Pro Se Mot for Fnl Hrg-Div | 1 |
| “ | Wayne | Consult re Emerg Temp Cust | 1 |
| “ | Wayne | Consult Cust & Child Supp | 2.5 |
| “ | Wayne | Pro Se Divorce | 1 |
| “ | Wayne | Emerg Temp Cust Mod & Child Supp | 1 |
| “ | Wayne | Visitation Modification | 1 |
| “ | Wayne | Pro Se Div & Temp Rest Ord | 2 |
| “ | Wayne | Emerg Mod of Child Supp | 2 |
| “ | Wayne | Emerg Mod of Child Supp | 2 |
| Amy Noe | Wayne | Consult re: Pet for GAL | 1 |
| Amy Noe | Wayne | Consult re: Guardianship | 1 |
| David W. Stewart | Wayne | Landlord/Tenant | 2 |
| “ | Wayne | Landlord/Tenant | 2 |
| “ | Fayette | Landlord/Tenant | 2 |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| TOTAL: 3 | | | TOTAL:28.5 |
| OVERALL VOLUNTEER ATTORNEY TOTAL: | | | OVERALL HOURS TOTAL: |

| |
|--------------------|
| 2004 REPORT |
|--------------------|

Please list your District's 2004 activities--including committee meetings, training, attorney recognition, newspaper or magazine articles, marketing and promotion--in chronological order.

| <u>Date</u> | <u>Activity</u> |
|--------------------|--|
| 01/15/04 | District 9 Pro Bono Committee Meeting |
| 02/19/04 | District 9 Pro Bono Committee Meeting |
| 04/15/04 | District 9 Pro Bono Committee Meeting |
| 08/25/04 | District 9 Pro Bono Committee Meeting |
| 10/21/04 | District 9 Pro Bono Committee Meeting |
| 02/09/04 | Mass mailing to registered attorneys within the District 9 Pro Bono Commission regarding the announcement of the new plan administrator. This mailing was also used as an opportunity to solicit new volunteer attorneys who were not active participants within the Commission. |
| 02/19/04 | District 9 Pro Bono Voted and Approved Amy Noe of Allen Wellman & McNew -Richmond office, as the recipient of NLADA Equal Justice Conference in Atlanta, Georgia. Ms. Noe attended the conference and upon her return gave a verbal report to the committee of her experience. |
| 05/14/04 | CLE Seminar Fayette County Courthouse. Nineteen district attorneys participated earning CLE credits for Rules of Professional Responsibility, Indiana Child Support Guidelines and Ethics. |

2004 REPORT

Please provide a short summary of how the provision of pro bono service is coordinated in your district, including the intake process, the relationships of pro bono providers in the district, how referrals are made, and how reporting is done.

The District 9 Pro Bono Commission in 2004 received phone calls through their local and toll-free numbers. Information was taken from a potential client through an intake process, to ensure as best as possible clients were income eligible as well as no conflict existed. After prioritizing these clients they were then matched with volunteer attorneys in the fields the attorney requested. A referral with a brief summary of the case was also forwarded to the attorney. Once the volunteer attorney agreed to take the case the client was contacted by the Plan Administrator with instructions regarding their initial appointment with the volunteer attorney. Status letters regarding each case were sent out to the volunteer attorneys in a timely manner. Reporting of hours was then submitted by the attorney upon conclusion of the case which was then documented by the Plan Administrator.

Please describe any special circumstances, including difficulties encountered, affecting your District's 2004 implementation of its plan.

A CLE was originally planned for Fall 2004. However, due to the impending vacancy of the then Honorable Judge Williams, Judicial Appointee, and the amount of time remaining on his Court's calendar, the CLE was not given. The Plan Administrator attempted to make contact with attorneys not signed on with the Commission to take cases.

Other difficulties that were encountered, which may be an issue in other districts, were the apprehension for attorneys to take on cases that appear to be difficult. The difficulties were not limited to case type. There were also complaints from volunteer attorneys regarding difficult clients and lack of client cooperation. The Committee, in 2005, proposes new ways to deal with some of these issues, including client/attorney expectation brochures as well as a retainer that the client signs before meeting with the volunteer attorney.

Another setback for the District 9 Pro Bono Commission was the pending vacancy of its 2004 Plan Administrator. The Committee is addressing sustainability by preparing a Plan Administrator instructional notebook as a reference guide for any future Plan Administrator. With this change also came the vote, then approval to relocate the office of the Commission out of a local non-profit organization into the Wayne County Courthouse. The Commission also voted and approved Tammy Henry as the new Plan Administrator. Ms. Henry has over five (5) years experience working with low-income clients and non-profit organizations. Ms. Henry previously worked with Indiana Legal Services and is familiar with the issues that face low-income families. The new office location is considered to have better access for clients and provides a better working relationship for the Commission and the Courts.

BUDGETS FOR 2004, 2005 AND 2006 FOR IOLTA FUNDS ONLY

| Cost Category | 2004 Actual Expenditures | 2004 Budget | 2005 Actual Expenditures To Date | 2005 Budget | 2006 Budget |
|--|--------------------------------|----------------|---|----------------|----------------|
| A. PERSONNEL COSTS | | | | | |
| 1. Plan Administrator | 7143.50 | 14287 | 2600 | 7800 | 13000 |
| 2. Paralegals | | | | | |
| 3. Others- Please explain | | | | | |
| 4. Employee benefits | | | | | |
| a. Insurance | | | | | |
| b. Retirement plans | | | | | |
| c. Other- Please explain | | | | | |
| 5. Total Personnel Costs | 7143.50 | 14287 | 2600 | 7800 | 13000 |
| B. NON-PERSONNEL COSTS | | | | | |
| 1. Occupancy | 2100 | 2100 | 1920 | 2560 | 960 |
| 2. Equipment rental | 1577 | 1577 | | | |
| 3. Office supplies | | | | 500 | 500 |
| 4. Telephone | 1440 | 1440 | 720 | 1440 | 1440 |
| 5. Travel | | | 111 | 500 | 500 |
| 6. Training | | | | 500 | 600 |
| 7. Library | | | | | |
| 8. Malpractice Insurance | | | | | |
| 9. Dues and fees | | | | | |
| 10. Audit | | | | | |
| 11. Contingent reserve | | | | 2600 | |
| 12. Litigation reserve | | | | | |
| 13. Marketing and promotion | | | 200 | 600 | 500 |
| 14. Attorney recognition | | | | 500 | 500 |
| 15. Litigation Expenses (includes expert fees) | | | | | |
| 16. Property Acquisition | 300 | 300 | | | |
| 17. Contract Services | | | | | |
| 18. Grants to other pro bono providers | | | | | |
| 19. Other- Please explain | 128 | 128 | | 1000 | |
| 20. Total Non-Personnel Costs | | | | | |
| C. TOTAL EXPENDITURES | 5545 | 5545 | 5551 | 18000 | 18000 |

IOLTA funds received **2004:** \$ _19000_ IOLTA funds received **2005:** \$ _18000_

Budget Narrative

Please provide descriptions of the following line items in the foregoing budget chart, by item number, in the space provided.

Lines (A)(1), (2), (3) Please indicate the number of hours per week for each personnel position and rate of pay.

A (1) Plan Administrator – Part-time- 20 hours @ \$10.00 per hr. currently to be increased to \$12.50 per hr.

Line (B)(1) Please describe the occupancy cost in terms of square footage, utilities or other amenities and indicate whether the occupancy cost is above or below the market rate for that space.

B (1) This line item includes amounts paid to previous rental space at Genesis of the YWCA. It also includes yearly charges for DSL service at our current location as well as Doxpop (information system).

The cost for DSL service is the standard business rate from Verizon, Inc. and the charge for Doxpop is a reduced charge for non-profit organizations.

B (19) Cost includes projected expenses for upcoming CLE seminars.

| |
|---|
| ANNUAL TIMETABLE FOR SUBMISSION OF FORMS AND CHECKS: |
|---|

| | |
|--------------------|---|
| January 1: | Checks distributed |
| July 1: | Annual report, plan and grant application due to IPBC |
| November: | Notification of awards |
| December 1: | IBF grant agreement due and revised budget due |